



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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No. 136 Dispur, Tuesday, 1st April, 2025, 11th Chaitra 1947 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

HOME (A) DEPARTMENT ::: DISPUR

NOTIFICATION

The 13th March, 2025

No. eCF-618923/11.- In exercise of the powers conferred under section 64 read with clause (i) of section 530 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Governor of Assam is hereby pleased to make the following rules, in the manner hereinafter appearing, namely :-

Short title and
commencement

1. (1) These rules may be called the Assam Electronic Communication of Processes (Issuance, Service and Execution) Rules, 2025.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Definitions

2. In these rules, unless there is anything contrary to the context,-
 - (1) (a) "CCTNS" means the Crime and Criminal Tracking Network and Systems, a system software used by Police for the collection of data and execution of instructions;
 - (b) "CIS" means the Case Information System, a system software used by the District Judiciary for the collection of data and execution of instructions;
 - (c) "court" means the court of competent jurisdiction;
 - (d) "Disclosed Electronic Mail Address (e-mail)" means the email account of a person or organization that is used by the person or

organisation to send and receive messages over internet, and is shown to be admitted, or provided by such person or organization either personally or on a website or portal;

- (e) “electronic communication” means the electronic communication as defined in clause (i) of sub-section (1) of section 2 of the Sanhita;
 - (f) “Ordinary course of electronic mail” means the electronic mail as determined in accordance with section 13 of the Information Technology Act, 2000 (21 of 2000);
 - (g) “process” means all the summons, warrants, notices and forms as required in any of the proceedings under the Sanhita and issued in accordance with the provisions of the Sanhita excluding the notices under sections 35, 179 and 195 of the Sanhita;
 - (h) “Sanhita” means the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023);
 - (i) “State” means the State of Assam;
 - (j) “summons” means the summons as defined in section 63 of the Sanhita;
- (2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) and the Information Technology Act, 2000 (21 of 2000).

Electronic communication of Process

3. The electronic communication in respect of the issuance, service and execution of the Process shall be in the following manner, namely:-
- (1) The application(s) shall be through the ICJS (Interoperable Criminal Justice System) or the CCTNS (Crime and Criminal Tracking Network and Systems) including E-summons platform as designed for that particular application.
 - (2) The applications shall be approved through e-committee as approved by the Supreme Court which includes NSTEP (Notice Service Tracking and Execution Platform or applications) on CIS platform as designed for that particular application.
 - (3) The service may be through the instant messaging platforms on the approved or authorised or verified or admitted or publicly available mobile number or the profile(s) on the intermediary platforms of the person on whom the process is to be served.

- (4) The scanned copy of the process issued in written form and process issued in electronic form shall be served by sending it on the instant messaging platforms or on the messaging inbox or profile on the intermediary platforms of the person on whom the process is to be served.

The acknowledgment shall form a part of the report of the service and the report shall contain details including mobile number, messaging application, profile on intermediary platform and screenshot or photo of the application reflecting delivery of the communication.

Explanation: Acknowledgement includes an acknowledgement given by:

- (a) any communication by the addressee, automated or otherwise; or
 - (b) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.
- (5) The process may be through the approved or authorised or verified or admitted or disclosed electronic mail address on any electronic communication address provided on the web portals belonging to the person on whom the process is to be served.

The scanned copy of the process issued in written form and process issued in electronic form may be served by sending it on the email address of the person on whom the process is to be served.

Unless the delivery of the electronic mail is disrupted or bounced back for any reason whatsoever, or a "return to sender" message, "bounced back message" or "error message" is received from mail server, the delivery shall be deemed to be effected and unless the contrary is proved, to have been effected at the time at which the electronic mail shall be delivered in the ordinary course of email.

- (6) The delivery of such process through electronic communication shall be deemed to be duly served and a copy of such process shall be attested by the person serving it and kept in record along with report of service as a proof of service of process.
- (7) The printouts taken of any process as mentioned above shall have the same effect as original for the purpose of its execution.

Maintenance of
Records and
Register

4. (1) The Officer-in-charge of the Police Station shall ensure that the verified details relating to address, disclosed electronic mail address, phone number, messaging application and profiles on intermediary platforms used by the accused or witnesses, as the case may be, which are

recorded during arrest, investigation or inquiry and entered in the CCTNS. Such details shall also be entered in the Register maintained at the Police Station in compliance with sub-section (1) of section 64 of the Sanhita and may be amended on the basis of further verification or on the basis of an application by such person.

If any of such details is not available, the Officer-in-charge of the Police Station shall record that in the Register:

Provided that any such details may be modified on the basis of further verification or on the basis of an application by such person.

- (2) Where a case is filed on the basis of a private complaint, the complainant shall file the details relating to address, disclosed electronic mail address, phone number, messaging application and profiles on intermediary platforms of the accused and witnesses along with the complaint. If any of such information is not available, the complainant shall record that in the Register.
- (3) The details relating to address, disclosed electronic mail address, phone number, messaging application and profiles on intermediary platforms shall form part of the Register maintained by the Registrar of the Court under section 64 of the Sanhita and maintained in CIS and may be used for issuance of process.
- (4) The details relating to disclosed electronic mail address, phone number, messaging application and profiles on intermediary platforms of the witnesses shall not be provided to the accused while supplying copies under section 230 and 231 of the Sanhita.
- (5) Where the process generated in electronic form are received on CCTNS or ICJS through a secured system, it shall be presumed to be issued by the court.
- (6) Upon due service or non-service of the process, the serving officer of the concerned Police Station may transmit the service along with relevant documents including bail bonds, photographs, acknowledgment, if any, to the concerned Court in electronic form through ICJS or NSTEP or the official email address of the concerned court and may also forward such service or execution report in physical form. The Court, after receiving such a report in electronic form, may act upon such report. Such report or printout of such report shall be sufficient to be original for the purpose of satisfaction as the service or execution of the process.

- (7) If the service of process through electronic communication is not possible then the officer serving shall, after taking printout in duplicate of the process issued in electronic mode execute the same in accordance with procedure under Chapter VI of the Sanhita.
- Form of Summons 5. The summons that has been issued bearing the image of courts seal shall also be served by electric communication in such form as may be notified by Government from time to time.
- Removal of doubts 6. These rules shall be in addition to and not in derogation of any other rules made by the Gauhati High Court for the time being in force for issuance, service and execution of process. For removing any doubts, the decision of the State Government shall be final.

AJAY TEWARI,

Additional Chief Secretary to the Government of Assam,
Home & Political Department, Dispur.